





Pursuant to the advertisement, posting of property, and public hearing on the Petition and it appearing that by reason of the requirements of Section 502.1 of the Baltimore County Zoning Regulations



BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

March 9, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 199 - ZAC Meeting of February 7, 1984  
Property Owner: Joseph E. Besche  
Location: SW Cor. Old Eastern Avenue and Baker Avenue  
Existing Zoning: B.L.  
Proposed Zoning: Special Exception for an arcade - Variance to parking 82 spaces to 20 spaces.

Acres: 0.4713  
District: 15th

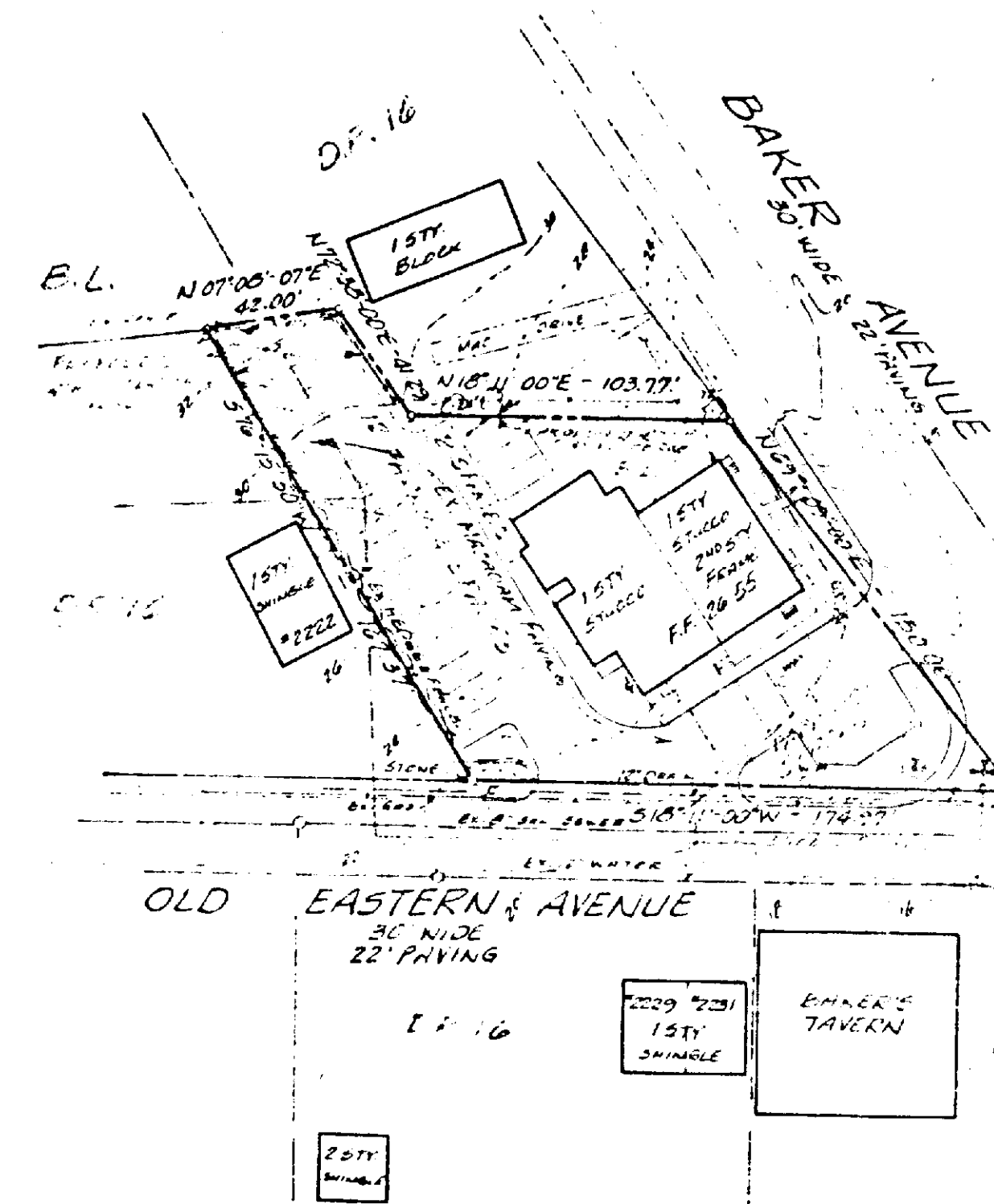
Dear Mr. Jablon:

The variance to parking can be expected to cause some parking problems in the area.

Attached is a sketch showing the recommended improvements.

*Michael S. Flannigan*  
Michael S. Flannigan  
Traffic Engineering Assoc. II

MSF/cem



BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon, Zoning Commissioner  
TO: Office of Planning and Zoning Date: March 9, 1984  
FROM: Ian J. Forrest  
SUBJECT: Zoning Variance Items  
February 7, 1984

The Baltimore County Department of Health has reviewed the following zoning items and does not anticipate any health hazards at this time regarding these items.

- Item # 195 - John J. Seisman, III, et ux
- Item # 196 - Richard R. Smith, et ux
- Item # 197 - Denver G. Neah
- Item # 199 - Joseph E. Besche
- Item # 200 - James J. Rowe, et ux

*Ian J. Forrest*  
Ian J. Forrest, Director  
BUREAU OF ENVIRONMENTAL SERVICES

LJF/rth



BALTIMORE COUNTY  
FIRE DEPARTMENT  
TOWSON, MARYLAND 21204  
825-7310

PAUL H. REINCKE  
CHIEF

February 13, 1984

Mr. William Hammond  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, Maryland 21204

Attention: Nick Commodari, Chairman  
Zoning Plans Advisory Committee

RE: Property Owner: Joseph E. Besche

Location: SW Cor. Old Eastern Avenue and Baker Avenue

Item No.: 199 Zoning Agenda: Meeting of February 7, 1984

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

- ( ) 1. Fire hydrants for the referenced property are required and shall be located at intervals of 150 feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

- ( ) 2. A second means of vehicle access is required for the site.

- ( ) 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department.

- ( ) 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

- (X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1976 Edition prior to occupancy.

- ( ) 6. Site plans are approved, as drawn.

- ( ) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWED: *George M. Waganoff*  
Noted and Approved: *George M. Waganoff*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

/mb



BALTIMORE COUNTY  
DEPARTMENT OF PERMITS & LICENSES  
TOWSON, MARYLAND 21204  
494-3610

ED ZALESKI, JR.  
DIRECTOR

February 7, 1984

Mr. Arnold Jablon, Zoning Commissioner  
Office of Planning and Zoning  
County Office Building  
Towson, Maryland 21204

Dear Mr. Jablon:

Comments on Item # 199 Zoning Advisory Committee Meeting are as follows:

Property Owner: Joseph E. Besche  
Location: SW Cor. Old Eastern Avenue and Baker Avenue  
Existing Zoning: B.L.  
Proposed Zoning: Special exception for an arcade

Acres: 0.4713  
District: 15th.

The items checked below are applicable:

- (X) All structures shall conform to the Baltimore County Building Code 1981/Amend 1111-1-2 State of Maryland Code for the Handicapped and Aged; and other applicable Codes.

- ( ) A building/ permit shall be required before beginning construction.

- ( ) Residential: Three sets of construction drawings are required to file a permit application. Architect/Engineer seal is not required. Non-reproduced seals and signatures are required on Plans and Technical Data.

- ( ) Commercial: Three sets of construction drawings with a Maryland Registered Architect or Engineer shall be required to file a permit application.

- ( ) An exterior wall erected within 6'0" for commercial uses or 3'0" for One & Two Family use group, of an adjacent lot line shall be of one hour fire resistive construction, no openings permitted within 3'0" of lot lines. A firewall is required if construction is on the lot line, see Table 401.1, Line 2, Section 1407 and Table 1402, also Section 503.2.

- ( ) Requested variance appears to conflict with the Baltimore County Building Code, Section 5.

- ( ) A change of occupancy shall be applied for, along with an alteration permit application, and three required sets of drawings indicating how the structure will meet the Code requirements for the proposed change. Drawings may require a professional seal.

- ( ) Before this office can comment on the above structure, please have the owner, thru the services of a Registered in Maryland Architect or Engineer certify to this office, that the structure for which a proposed change in use is proposed can comply with the height/area requirements of Table 505 and the required construction classification of Table 401.

- (X) Comments - It is assumed the arcade area will remain on the first floor as that type of use is not permitted two stories in a wood frame building. It will be necessary to show us a floor plan indicating the exit locations; also the machine locations and number of machines before we could give our OK.

NOTE: These comments reflect only on the information provided by the drawings submitted to the office of Planning and Zoning and are not intended to be construed as the full extent of any permit. If desired, additional information may be obtained by visiting Room 122 (Plans Review) at 111 W. Chesapeake Ave., Towson.

Very truly yours,

*Charles E. Burman*  
Charles E. Burman, Chief  
Plans Review

CJB:es

BALTIMORE COUNTY PUBLIC SCHOOLS

Robert Y. Dubel, Superintendent

Towson, Maryland - 21204

Date: February 2, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
Baltimore County Office Building  
1111 West Chesapeake Avenue  
Towson, Maryland 21204

Z.A.C. Meeting of: February 7, 1984

RE: Item No: 195, 196, 197, 198, (199) 200, 201, & 202.  
Property Owner:  
Location:  
Present Zoning:  
Proposed Zoning:

District:

No. Acres:

Dear Mr. Jablon:

The above items have no bearing on student population.

Very truly yours,

*Wm. Nick Petrovich*  
Wm. Nick Petrovich, Assistant  
Department of Planning

WNP/lh

RE: PETITION FOR SPECIAL EXCEPTION : BEFORE THE ZONING COMMISSIONER  
SW Corner Old Eastern & Baker : OF BALTIMORE COUNTY  
Aves. (2230 Old Eastern Ave.),  
15th District

JOSEPH E. BESCHE, Petitioner : Case No. 84-316-X  
: : : : :  
: : : : :

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notices should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

*Phyllis Cole Friedman*  
Phyllis Cole Friedman  
People's Counsel for Baltimore County

*Peter Max Zimmerman*  
Peter Max Zimmerman  
Deputy People's Counsel  
Rm. 223, Court House  
Towson, MD 21204  
494-2188

I HEREBY CERTIFY that on this 2nd day of May, 1984, a copy of the foregoing Entry of Appearance was mailed to Stephen J. Nolan, Esquire, and Nolan, Plimhoff & Williams, Chartered, 204 W. Pennsylvania Ave., Towson, MD 21204, Attorney for Petitioner.

*Peter Max Zimmerman*  
Peter Max Zimmerman



Nolan, Plunhoff and Williams  
c/o Stephen J. Nolan, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

Refund of Miscellaneous Cash Receipt \$ 100.00

No. 124098 - Case No. 84-316-X -

Joseph E. Besche, Petitioner

R-01-615-000 \$ 100.00 33

Zoning Office

Arnold Jablon, Zoning Commissioner April 23, 1984

LAW OFFICES  
NOLAN, PLUNHOFF & WILLIAMS  
CHARTERED  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
March 20, 1984

Mr. Michael S. Flanagan  
Baltimore County Department of  
Traffic Engineering  
County Courts Building, 4th Floor  
Towson, Maryland 21204

Re: Item No. 199  
Property Owner: Joseph E. Besche  
Location: SW Corner of Old Eastern Avenue  
and Baker Avenue  
Existing Zoning: B.L.  
Zoning Requested: Special Exception for an  
Arcade and Parking Variance

Dear Mr. Flanagan:

This will confirm our discussion of today in your office concerning the above captioned Petition for Special Exception for an Arcade and Parking Variance on behalf of my client, Joseph E. Besche, the owner and operator of the Middle River Inn at 2230 Old Eastern Avenue in Middle River. Reference is also made to your letter addressed to Arnold Jablon, the Zoning Commissioner, which is dated March 9, 1984 and the sketch which was attached thereto, copies of which are enclosed herewith.

As we discussed, it is my understanding that Baltimore County will require sidewalk, curb and gutter, and the relocation of the fire hydrant at the site when the owner proceeds with improvements above and beyond the special exception for an arcade and parking variance which are the subject of the instant case. In view of the fact that Mr. Besche is seeking only the legitimize a long standing use of video games on the premises, it is my understanding that it is your recommendation at this time that Mr. Besche only seek to control the flow of traffic across the northwesternmost quadrant of the property in the vicinity of the existing fire hydrant near the intersection of Old Eastern Avenue and Baker Avenue. You have suggested that this can be accomplished by the use of railroad ties, a small post and cable fence, or a few parking bumpers to avoid cut-throughs across this tip of the property.

Mr. Michael S. Flanagan -2- March 20, 1984

I greatly appreciate your assistance in this matter and believe that the understanding which we have reached concerning your recommendation of March 9 will enable Mr. Besche to seek to legitimize the prior use of video games without the more onerous and costly implementation at this time of the site improvements shown on your March 9 drawing.

Very truly yours,

Stephen J. Nolan

SJN:ak  
Enclosures

cc: Arnold Jablon, Zoning Commissioner  
for Baltimore County

cc: Nicholas B. Commodari, Chairman  
Zoning Plans Advisory Committee

cc: Joseph E. Besche  
Middle River Inn

cc: Mr. Alexander P. Katych  
APR Associates, Inc.  
7427 Harford Road  
Baltimore, Md. 21234

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

March 9, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 199 -2AC- Meeting of February 7, 1984  
Property Owner: Joseph E. Besche  
Location: SW Corner Old Eastern Avenue and Baker Avenue  
Existing Zoning: B.L.  
Proposed Zoning: Special Exception for an arcade - Variance to parking  
82 spaces to 20 spaces.

Acres: 0.4713  
District: 15th

Dear Mr. Jablon:

The variance to parking can be expected to cause some parking problems in the area.

Attached is a sketch showing the recommended improvements.

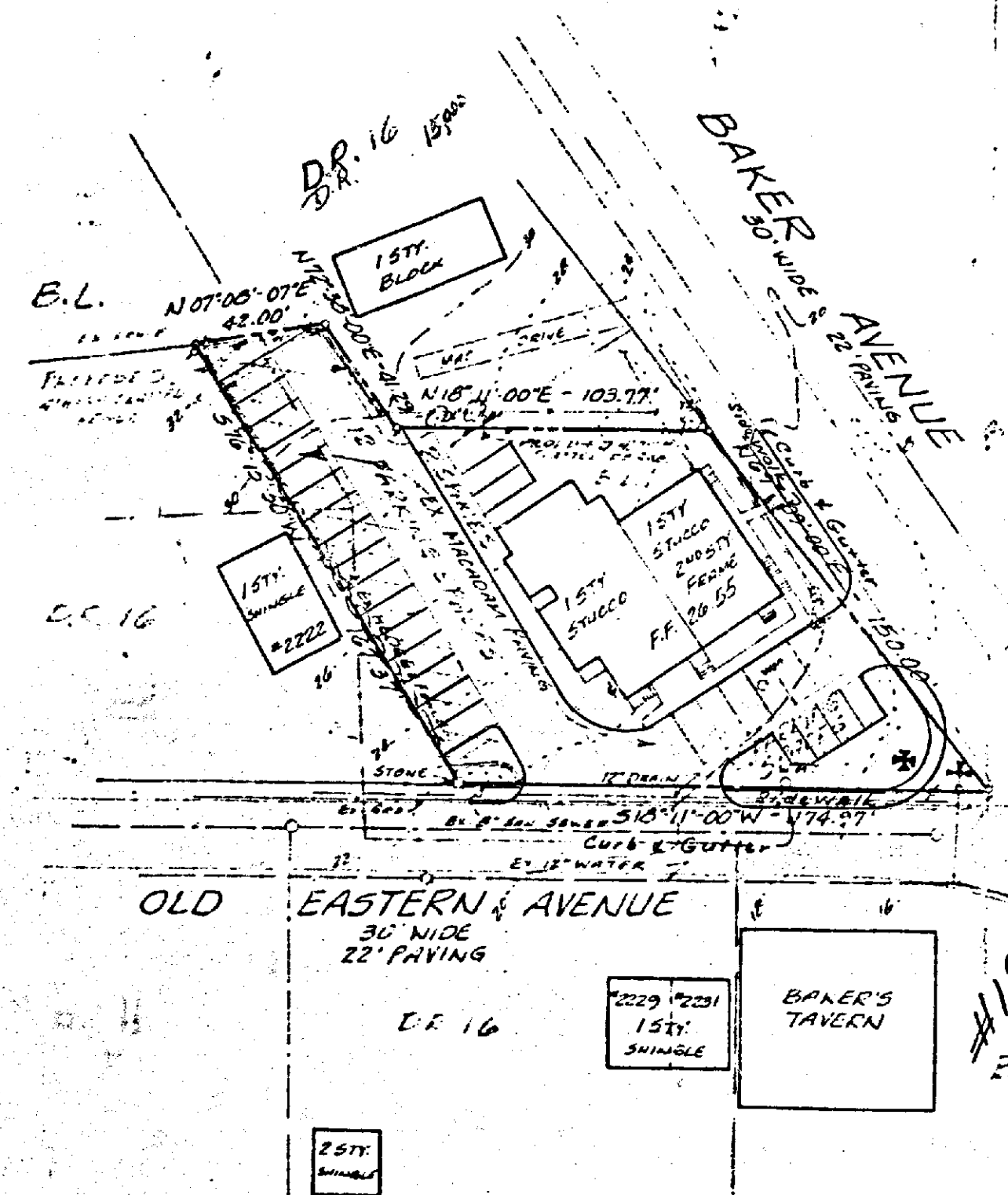
Michael S. Flanagan  
Traffic Engineering Assoc. II

MSF/ccm

84-316-X

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 15 Date of Posting: 5/16/84  
Posted for: Petition for Special Exception  
Petitioner: Joseph E. Besche  
Location of property: SW corner Old Eastern & Baker Aves.  
Location of Signposting: Intersection of Old Eastern & Baker Aves.  
Remarks: None  
Posted by: [Signature] Date of return: 5/19/84  
Number of Signs: 1



BALTIMORE COUNTY  
OFFICE OF PLANNING & ZONING  
TOWSON, MARYLAND 21204  
494-3353

ARNOLD JABLON  
ZONING COMMISSIONER

May 25, 1984

Stephen J. Nolan, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

IN RE: Petition Special Exception  
SW corner of Old Eastern  
and Baker Avenues (2230 Old  
Eastern Avenue) - 15th  
Election District  
Joseph E. Besche, Petitioner  
Case No. 84-316-X

Dear Mr. Nolan:

I have this date passed my Order in the above-referenced matter in accordance with the attached.

Sincerely,  
[Signature]  
ARNOLD JABLON  
Zoning Commissioner

AJ/srl

Attachments

cc: Ms. Doris Koloup  
2221 Old Eastern Avenue  
Baltimore, Maryland 21203

People's Counsel

Stephen J. Nolan, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

April 24, 1984

NOTICE OF HEARING

Re: Petition for Special Exception  
SW corner Old Eastern and Baker Avenues  
(2230 Old Eastern Avenue)  
Joseph E. Besche - Petitioner  
Case No. 84-316-X

TIME: 10:15 A.M.

DATE: Monday, May 21, 1984

PLACE: Room 106, County Office Building, 111 West Chesapeake  
Avenue, Towson, Maryland

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE-REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 126805

DATE: 1/31/84 ACCOUNT: 01-615-000

AMOUNT: \$ 100.00

RECEIVED FROM: Nolan, Plunhoff & Williams  
FOR: Filing Fee Case No. 199

6 063\*\*\*\*\*100001b 2314A

VALIDATION OR SIGNATURE OF CLERK

Petition for  
Special  
Exception  
15th Election District  
ZONING: Petition for  
Special Exception  
LOCATION: Southwest  
corner of Old Eastern  
and Baker Avenues (2230 Old  
Eastern Avenue)  
DATE & TIME: Mon-  
day, May 21, 1984 at 10:15  
A.M.  
PUBLIC HEARING:  
Room 106, County Office  
Building, 111 W. Chesapeake  
Avenue, Towson, Maryland  
The Zoning Commission  
of Baltimore County,  
by authority of the  
Zoning Act and Regulations  
of Baltimore County,  
will hold a public hearing  
on the Petition for Special  
Exception for an arcade and  
parking variance at the time  
and place stated above.  
It is the intent of this Petition  
to grant a building  
permit may be issued  
within the thirty (30) day  
period. The Zoning  
Commissioner will, however,  
suspend any part of the  
for a day of the hearing  
and the date of the hearing  
shall be made at the time  
of the hearing.

The Times

Middle River, Md., May 3, 1984

This is to Certify, that the annexed

was inserted in The Times, a newspaper printed  
and published in Baltimore County, once in each  
of successive  
weeks before the 3rd day of  
May, 1984.  
[Signature] Publisher.



# 84-316-4 CERTIFICATE OF PUBLICATION

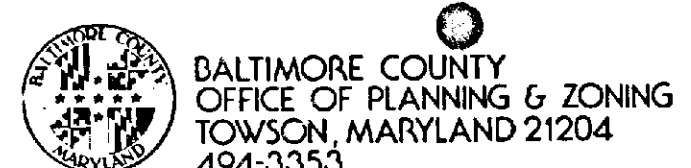
TOWSON, MD., May 3, 1984

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baltimore County, Md., on the 21st day of May, 1984, the 21st day of May, 1984.

THE JEFFERSONIAN  
Manager

Cost of Advertisement, \$18.00

PETITION FOR SPECIAL EXCEPTION  
15th Election District  
Zoning: Petition for Special Exception  
LOCATION: Southwest corner Old Eastern and Baker Avenues (2230 Old Eastern Avenue)  
DATE & TIME: Monday, May 21, 1984 at 10:15 A.M.  
PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the Petition for Special Exception for an arcade in combination with a restaurant, as shown on plat plan filed with the Zoning Department.



ARNOLD JABLON  
ZONING COMMISSIONER

May 16, 1984

Stephen J. Nolan, Esquire  
204 West Pennsylvania Avenue  
Towson, Maryland 21204

Re: Petition for Special Exception  
SW corner Old Eastern & Baker Avenues  
Joseph E. Besche - Petitioner  
Case No. 84-316-X

Dear Mr. Nolan:

This is to advise you that \$41.38 is due for advertising and posting of the above property.

This fee must be paid and our zoning sign and post returned on the day of the hearing before an Order is issued. Do not remove sign until day of hearing.

Please make the check payable to Baltimore County, Maryland, and remit to Mrs. Arlene January, Zoning Office, Room 113, County Office Building, Towson, Maryland 21204, before the hearing.

Sincerely,

BALTIMORE COUNTY, MARYLAND  
OFFICE OF FINANCE - REVENUE DIVISION  
MISCELLANEOUS CASH RECEIPT

No. 130283

ARNOLD JABLON  
Zoning Commissioner

DATE May 21, 1984 ACCOUNT R-01-615-000

AMOUNT \$41.38

RECEIVED FROM: Stephen Nolan, Esquire  
FOR: advertising and posting Case #84-316-X  
(Joseph E. Besche)

C 020\*\*\*\*\*413810 8212A

VALIDATION OR SIGNATURE OF CASHIER

ap associates, inc.  
surveyors-engineers

ALEXANDER P. RATYCH, PRAC. L.S.  
RICHARD J. TRUELOWE, P.E.

DESCRIPTION OF PROPERTY  
TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION  
FOR AN ARCADE IN B.L. ZONE  
15TH ELECTION DISTRICT, BALTIMORE COUNTY, MARYLAND

BEGINNING FOR THE SAME at the corner formed by the intersection of the Westerly side of Old Eastern Avenue with the Southerly side of Baker Avenue, formerly known as Old Orem's Road; thence running and binding along the Westerly side of Old Eastern Avenue South 18 degrees 11 minutes 00 seconds West 174.97 feet to a point; thence leaving Old Eastern Avenue and running South 76 degrees 15 minutes 50 seconds West 167.37 feet; thence North 07 degrees 08 minutes 07 seconds East 42.00 feet; thence North 72 degrees 38 minutes 00 seconds East 41.29 feet and thence North 18 degrees 11 minutes 00 seconds East 103.77 feet to intersect the Southerly side of Baker Avenue; thence binding thereon North 69 degrees 09 minutes 00 seconds East 150.00 feet to the point of beginning; containing 20,531 square feet or 0.4713 acres more or less.

August 15, 1983



# PETITION FOR SPECIAL EXCEPTION

15th Election District

ZONING: Petition for Special Exception  
LOCATION: Southwest corner Old Eastern and Baker Avenues (2230 Old Eastern Avenue)

DATE & TIME: Monday, May 21, 1984 at 10:15 A.M.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Exception for an arcade in combination with a restaurant

Being the property of Joseph E. Besche, as shown on plat plan filed with the Zoning Department.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF  
ARNOLD JABLON  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY

IN RE: PETITION SPECIAL EXCEPTION  
SW corner of Old Eastern  
and Baker Avenues (2230 Old  
Eastern Avenue) - 15th  
Election District  
Joseph E. Besche,  
Petitioner  
BEFORE THE  
ZONING COMMISSIONER  
OF BALTIMORE COUNTY  
Case No. 84-316-X

# FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein seeks a special exception for an arcade in combination with a tavern/restaurant, as shown on Petitioner's Exhibit 2.

The Petitioner appeared and testified and was represented by Counsel. Also testifying for the Petitioner were Alexander Ratych, a registered land surveyor, and Hugh Gelston, a real estate broker and appraiser. Doris Koloup, a neighbor, appeared and testified as a Protestant.

The subject site, zoned B.L., has operated as a combination tavern/restaurant since 1925. The Petitioner purchased the business known as the Middle River Inn in February, 1979. Prior to 1982, the business had about eight to ten amusement machines for many years, but due to a change in the law, the Petitioner had all but four machines removed. The Baltimore County Zoning Regulations (BCZR) allow up to four machines as a matter of right in a tavern/restaurant located in a B.L. Zone.

The Petitioner testified that his business has decreased by approximately 10% since the removal of the machines. He wants to add eight machines for a total of 12, which he believes will return the volume of business to where it was prior to their removal. There will be no physical expansion of the tavern which contains approximately 4,000 square feet. The machines will be placed entirely in the bar area. See Petitioner's Exhibit 2.

Mr. Gelston testified that, in his opinion, the proposed arcade in combination with the tavern will not adversely effect the property values in the area which is zoned primarily commercial.

The Office of Planning has recommended against the proposed special exception because the business as constituted has only 20 parking spaces instead of the required 81 and access to the site and circulation are not satisfactory. The Department of Traffic Engineering has made certain suggestions, which the Petitioner has accepted, to bring him into compliance with that Department's concerns. See Petitioner's Exhibit 3.

Nicholas B. Commodari, Chairman, Baltimore County Zoning Plans Advisory Committee (ZPAC), testified that he and James E. Dyer, Zoning Supervisor, disagreed with Planning's suggestion that a parking variance be required. They felt that Section 423(b), BCZR, does not enable a distinction to be made for purposes of computing parking requirements when an arcade is to be in combination with a permitted use. If there were a suitable formula to make a distinction in such circumstances, it would be important to note that the parking requirements for an arcade are much less than for a tavern, and in this case, the total spaces required would be significantly reduced. However, no formula does exist. Since no physical expansion is proposed and no separate and distinct building will be added, there can be no division of parking required for this arcade.

It is true that the use does not meet the parking requirements delineated by the BCZR. However, the business has been operating since 1925 with a subsequent addition in 1940. Although the number of parking spaces available is inadequate, the use of this site is nonconforming. According to Mrs. Koloup, the then owner of the business bought an adjacent parcel in 1966, razed the existing house, and created 12 additional parking spaces. This has been the only physical change to the property since 1940. Mr. Ratych testified that the area

involved constituted about 2,000 square feet, certainly much less than 25% of the total site area then existing. If the expansion of the parking area can be considered an expansion of a nonconforming use, then one must measure the parking expansion with the size of the property. This issue, however, is moot. The use of the instant property is for a tavern, not for parking, which is only ancillary to the principal utilization of the property as a tavern. The tavern has not been expanded since 1940. The proposed special exception will not expand the tavern. The lack of the required parking is addressed by the existence of the tavern as a nonconforming use; the arcade has no impact. It will not be a principal use of the property, and the language of Section 423(b) recognizes the difference.

Mrs. Koloup testified that, in her opinion, the property values have decreased even though she built her home 40 years after the Middle River Inn came into existence. She is concerned that the arcade will create further traffic congestion which seemed to decrease when the Petitioner removed the machines in 1982. She feels that the tavern owner across the street will also want an arcade if this special exception is granted, thereby setting a precedent which will further deteriorate the neighborhood. She is not opposed to some machines, only to the 12 which the Petitioner is requesting.

The Petitioner seeks approval for an arcade in combination with a tavern/restaurant pursuant to Sections 423(b) and 502.1, BCZR. It is clear that the BCZR permit the use requested by the Petitioner in a B.L. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity of the proposed use. Therefore, it must be determined whether the conditions as delineated by Section 502.1 are satisfied by the Petitioner.

After reviewing all of the testimony and evidence presented, it appears that the special exception as applied for should be granted, with certain restrictions as more fully described below.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1. In fact, the Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not actually adversely affect the public interest. The facts and circumstances of the use proposed by the Petitioner do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond those inherently associated with such a special exception use irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way inconsistent with the spirit and intent of the BCZR.

Pursuant to the advertisement, posting of property, and public hearing held, and it appearing that by reason of the requirements of Section 502.1 having been met and the health, safety, and general welfare of the community not being adversely affected, the special exception should be granted. Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 25th day of May, 1984, that the Petition for Special Exception for an arcade in combination with a tavern/restaurant be and is hereby GRANTED, from and after the date of this Order, subject, however, to the following restrictions:

ORDER RECEIVED FOR FILING  
DATE May 25, 1984  
BY [Signature]

ORDER RECEIVED FOR FILING  
DATE May 25, 1984  
BY [Signature]

ORDER RECEIVED FOR FILING  
DATE May 25, 1984  
BY [Signature]

ORDER RECEIVED FOR FILING  
DATE May 25, 1984  
BY [Signature]



1. The hours of operation shall be from 10:00 a.m. to 2:00 a.m., Sunday through Saturday.
2. No one under the age of 19 years shall be permitted to use the machines at any time.
3. Rules for play and conduct required of patrons shall be conspicuously posted in and about the premises and shall be strictly enforced.
4. One of the owners or a full-time manager designated by the owners as the responsible party and for whose conduct the owners hereby expressly assume responsibility shall be on the premises from 10:00 a.m. to 2:00 a.m., Sunday through Saturday, to strictly enforce these restrictions and those of the management.
5. A maximum of 12 amusement devices shall be located on the site, and any increase in the number of devices shall be subject to a public hearing to amend this Order.
6. Compliance with the comments submitted by the Baltimore County Zoning Plans Advisory Committee (ZPAC), which are adopted in their entirety and made a part of this Order.

*[Signature]*  
Zoning Commissioner of  
Baltimore County

ORDER RECEIVED FOR FILING

DATE *March 22, 1984*  
BY *John P. Luyck*  
BALTIMORE COUNTY CLERK

- 5 -

LAW OFFICES  
NOLAN, FLEMMING & WILLIAMS  
CHARTERED  
204 WEST PENNSYLVANIA AVENUE  
TOWSON, MARYLAND 21204  
TELEPHONE (301) 823-7800

March 20, 1984

Mr. Michael S. Flanagan  
Baltimore County Department of  
Traffic Engineering  
County Courts Building, 4th Floor  
Towson, Maryland 21204

Re: Item No. 199  
Property Owner: Joseph E. Besche  
Location: SW Corner of Old Eastern Avenue  
and Baker Avenue  
Existing Zoning: B.L.  
Zoning Requested: Special Exception for an  
Arcade and Parking Variance

Dear Mr. Flanagan:

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As we discussed, it is my understanding that Baltimore County will require sidewalk, curb and gutter, and the relocation of the fire hydrant at the site when the owner proceeds with improvements above and beyond the special exception for an arcade and parking variance which are the subject of the instant case. In view of the fact that Mr. Besche is seeking only the legitimize a long standing use of video games on the premises, it is my understanding that it is your recommendation at this time that Mr. Besche only seek to control the flow of traffic across the northwesternmost quadrant of the property in the vicinity of the existing fire hydrant near the intersection of Old Eastern Avenue and Baker Avenue. You have suggested that this can be accomplished by the use of railroad ties, a small post and cable fence, or a few parking bumpers to avoid cut-throughs across this tip of the property.

PETITIONER'S  
EXHIBIT 3

Mr. Michael S. Flanagan -2- March 20, 1984

I greatly appreciate your assistance in this matter and believe that the understanding which we have reached concerning your recommendation of March 9 will enable Mr. Besche to seek to legitimize the prior use of video games without the more onerous and costly implementation at this time of the site improvements shown on your March 9 drawing.

Very truly yours,

Stephen J. Nolan

SJN:ak  
Enclosures

cc: Arnold Jablon, Zoning Commissioner  
for Baltimore County

cc: Nicholas B. Commodari, Chairman  
Zoning Plans Advisory Committee

cc: Joseph E. Besche  
Middle River Inn

cc: Mr. Alexander P. Ratych  
APR Associates, Inc.  
7427 Harford Road  
Baltimore, Md. 21234

BALTIMORE COUNTY  
DEPARTMENT OF TRAFFIC ENGINEERING  
TOWSON, MARYLAND 21204  
494-3550

STEPHEN E. COLLINS  
DIRECTOR

March 9, 1984

Mr. Arnold Jablon  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Item No. 199 -ZAC Meeting of February 7, 1984  
Property Owner: Joseph E. Besche  
Location: SW Cor. Old Eastern Avenue and Baker Avenue  
Existing Zoning: B.L.  
Proposed Zoning: Special Exception for an arcade - Variance to parking  
82 spaces to 20 spaces.

Acres: 0.4713  
District: 15th

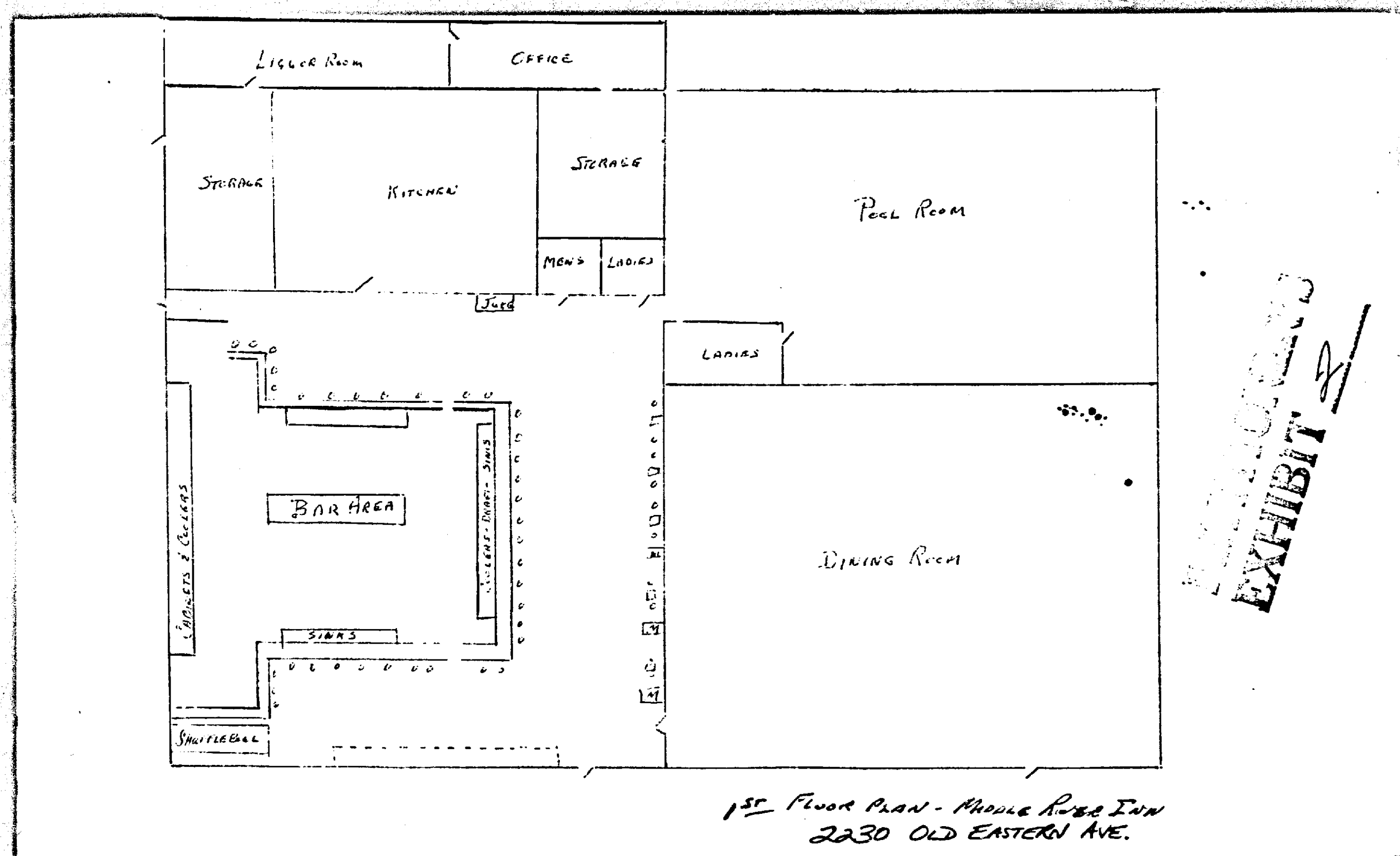
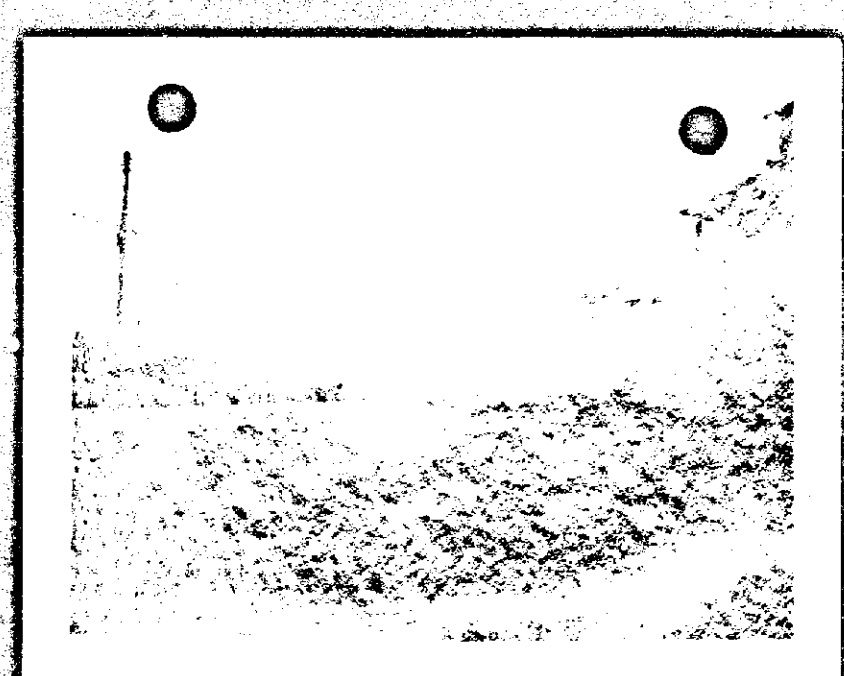
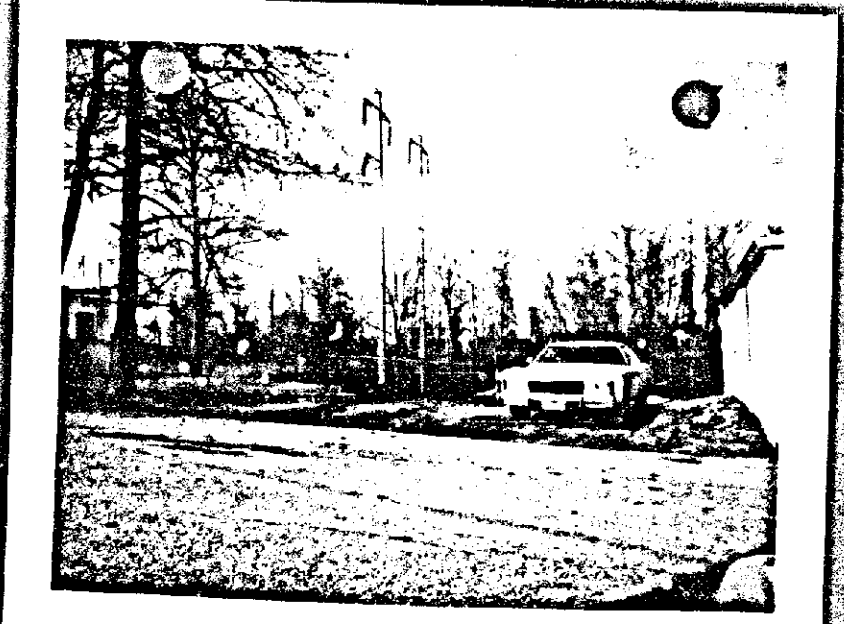
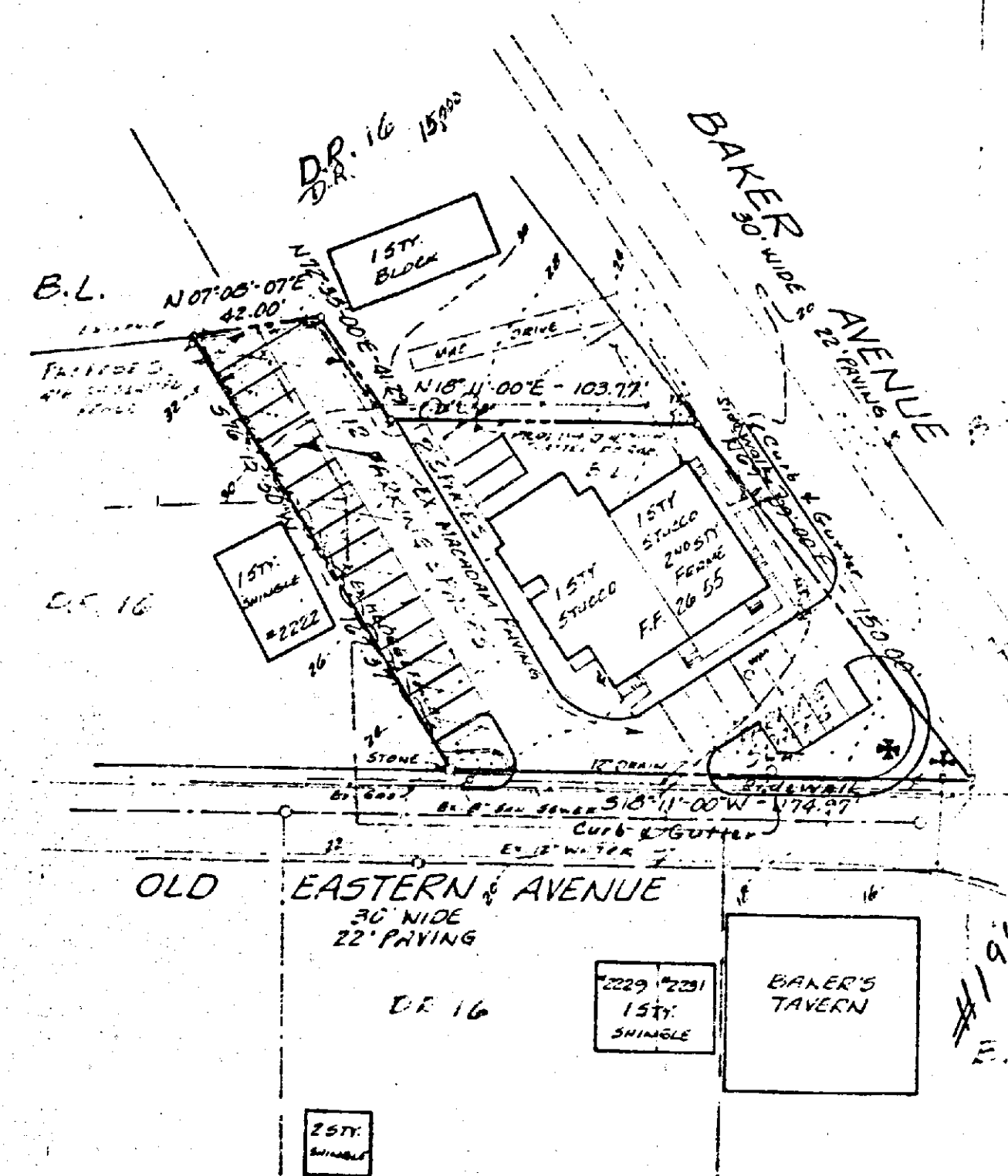
Dear Mr. Jablon:

The variance to parking can be expected to cause some parking problems in the area.

Attached is a sketch showing the recommended improvements.

MSF/ccm

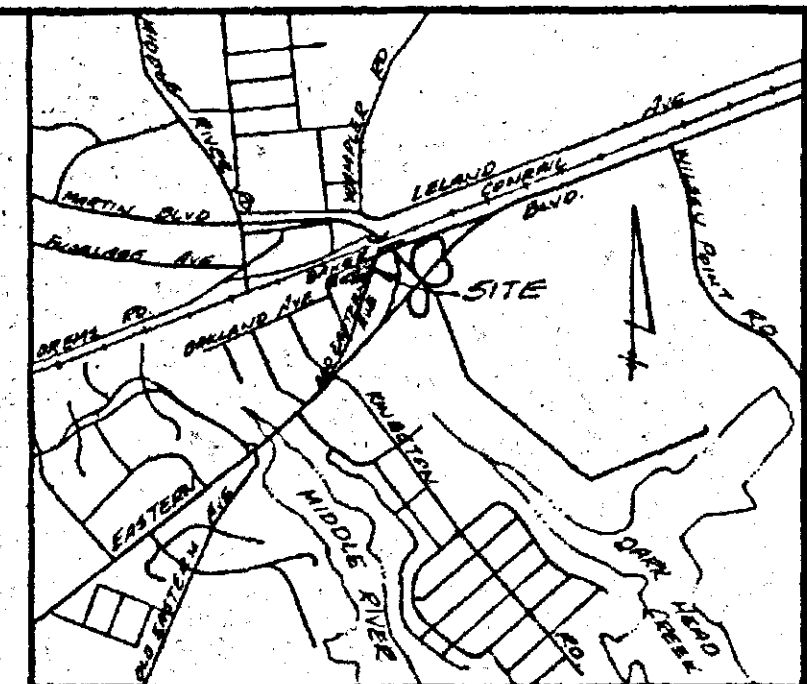
*[Signature]*  
Michael S. Flanagan  
Traffic Engineering Assoc. II



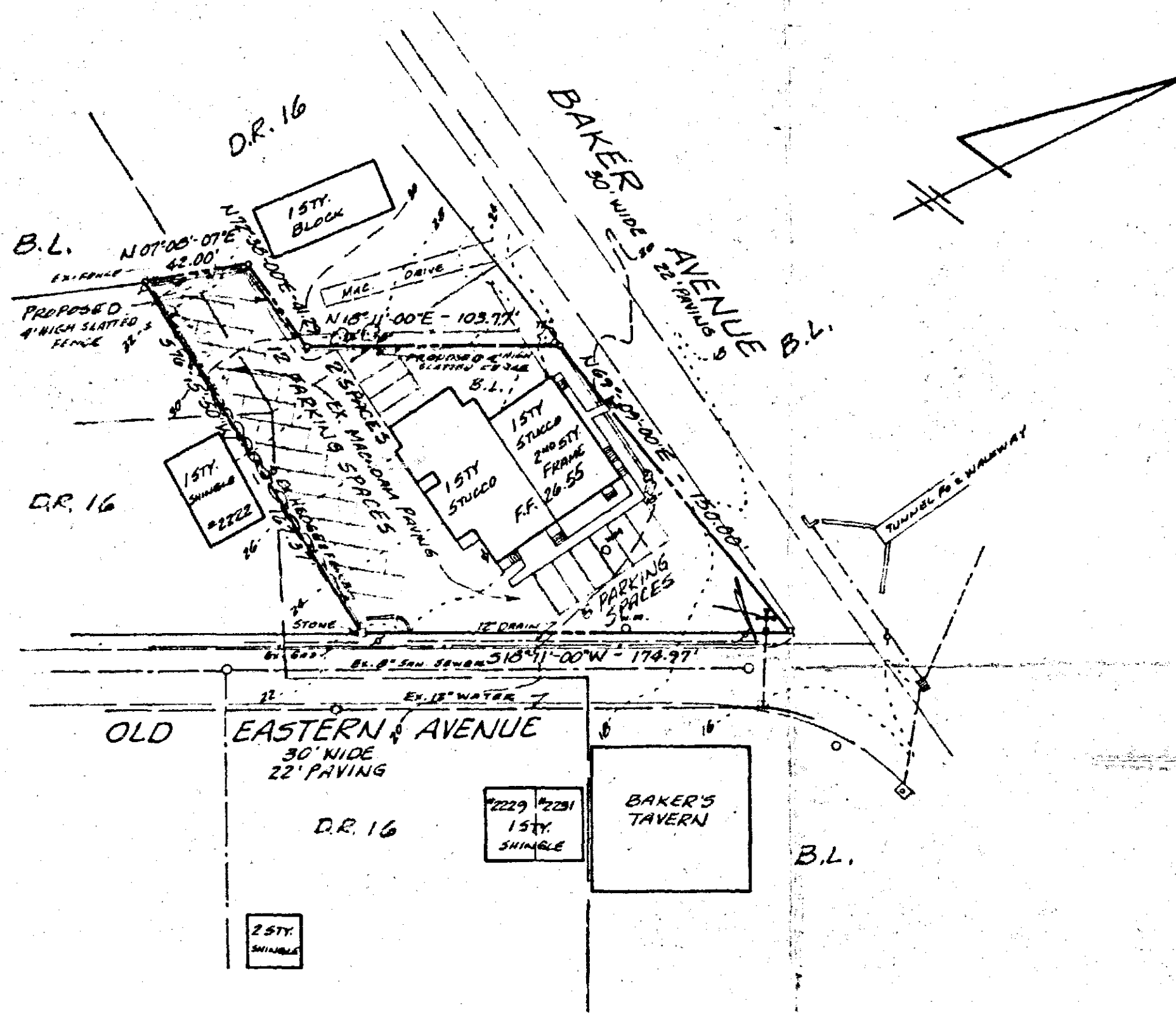
1st Floor Plan - Middle River Inn  
2230 Old Eastern Ave.

EXHIBIT 3





LOCATION MAP  
SCALE: 1" = 2,000'



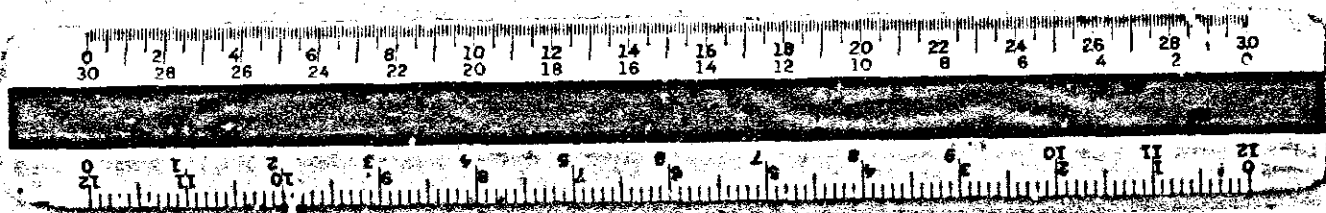
GENERAL NOTES

- 1) AREA OF PROPERTY: 20,531<sup>+</sup> or 0.4713<sup>+</sup> ac.
- 2) ZONING . . . . . B.L.
- 3) FIRST FLOOR . . . . . RESTAURANT  
SECOND FLOOR . . . . . APARTMENT
- 4) PARKING SPACES REQUIRED:  
1ST FLOOR  $4020 \div 50 = 81$   
2ND FLOOR . . . . . 1
- 5) PARKING SPACES PROVIDED = 20

4/10  
10/4  
1/10  
2/10  
X/10  
Y/10  
1/10  
2/10

Tom 199

PETITIONER'S  
EXHIBIT



	<b>apf associates, inc.</b> surveyors-engineers 204-206 E. MAIN STREET BALTIMORE, MD. 21201 PHONE 550-1700	7427 HARRFORD ROAD BALTIMORE, MD. 21284 PHONE 445-4112
	PLAT TO ACCOMPANY PETITION FOR SPECIAL EXCEPTION FOR AN ARCADE IN B.L. ZONE MIDDLE RIVER INN 2230 OLD EASTERN AVENUE 15TH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND SCALE: 1" = 50'      AUGUST 15, 1983	